

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION

Before the Court is the plaintiff's, Clifford Eaton, motion to dismiss filed on August 29, 2007. See Docket No. 4. Rule 41(a)(1) of the Federal Rules of Civil Procedure provides that "an action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs...." The record reveals that the defendant, Equifax Information Services LLC, has not filed an answer or a motion for summary judgment prior to the filing of this motion for dismissal. Therefore, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, the Court

Dated this 30th day of August, 2007.

/s/ *Daniel L. Hovland*

Daniel L. Hovland, Chief Judge
United States District Court